

Form 410

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kyle L Johnston
Debtor(s)

Bankruptcy Case No.: 17-70181-JAD
Doc. #66
Chapter: 13
Docket No.: 67 – 66
Concil. Conf.: January 16, 2020 at 11:00 AM

ORDER

WHEREAS, the Trustee filed and served a *Certificate of Default Requesting Dismissal of Case*, alleging that the Debtor(s) failed to make regular plan payments and are in material default under the plan,

IT IS HEREBY ORDERED that, on or before **November 4, 2019**, Debtor(s) must file *Documentary Proof of Payment* according to the accompanying *Instructions*, together with either:

1. a *Notarized Affidavit or Declaration* under penalty of perjury that states Debtor(s)' current mailing address and includes an explanation of Debtor(s)' failure to comply with the current plan payment and/or a statement setting forth why the Debtor(s) dispute the *Certificate of Default*;

OR

2. a *Notice of Proposed Modification to Confirmed Plan* and an *Amended Plan* to cure the plan defaults. Debtor(s) must make all plan payments in accordance with the *Amended Plan* pending its confirmation. If the Debtor(s) default on such plan payments, and if the Trustee moves for dismissal of this case, the case will be **DISMISSED**, without further notice or hearing.

IT IS FURTHER ORDERED that, if the Debtor(s) elect to file an *Amended Plan*, the Debtor(s) must immediately serve a copy of the *Notice of Proposed Modification to Confirmed Plan*, the *Amended Plan*, and the *Documentary Proof of Payment* on the Chapter 13 Trustee and all parties on the mailing matrix and file a *Certificate of Service* with the Clerk.

On or before **November 18, 2019**, if the Debtor(s) elect to file an *Amended Plan*, all *Objections* must be filed and served on the Debtor(s), Chapter 13 Trustee and any creditor whose claim is the subject of the *Objection*. Any creditor who files a timely *Objection* must appear at the scheduled Conciliation Conference. Untimely *Objections* will not be considered.

On **January 16, 2020 at 11:00 AM** a Conciliation Conference (on plan defaults or the *Amended Plan*) will occur with the Chapter 13 Trustee at 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.

If the Parties cannot resolve all disputes at the Conciliation Conference, a hearing will be scheduled and orally announced at the conclusion of the Conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the Conciliation conference to the extent such parties desire more information regarding the outcome of the Conciliation Conference.

This case will be **DISMISSED WITHOUT PREJUDICE** and no hearing or conference shall take place, unless the Debtor(s) comply fully with this *Order* by filing and serving all of the required items.

Dated: September 19, 2019

cm: All Creditors and Parties In Interest

Jeffery A. Deller
United States Bankruptcy Judge

INSTRUCTIONS FOR DOCUMENTARY PROOF OF PAYMENT

In response to the Trustee's *Certificate of Default Requesting Dismissal of Case*, Debtor(s) must file *Documentary Proof of Payment* that at least one full plan payment has been submitted to the Trustee since the Trustee filed and served the *Certificate of Default*.

The *Documentary Proof of Payment* must include a copy of a money order, cashier's check, earnings statement(s) or pay stub(s) showing payroll or benefit deduction(s) used to make the plan payment.

The *Documentary Proof of Payment* must also include a copy of the Trustee's printout of the Debtor(s)' payment history of receipts (available on the Trustee's website) indicating the amounts and dates of payments received by the Trustee.

Debtor(s)' case name and bankruptcy case number must be included on the payment.

The plan payment must be sent to the Chapter 13 Trustee's lock box bank account addressed to:

Ronda J. Winnecour, Trustee
P.O. Box 84051
Chicago, IL 60689-4002

Certificate of Notice Page 3 of 3
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Kyle L Johnston
 Debtor

Case No. 17-70181-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: skoz
 Form ID: 410

Page 1 of 1
 Total Noticed: 9

Date Rcvd: Sep 19, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 21, 2019.

db	Kyle L Johnston, 16 Treasure Lake/2910 Bay Road, Du Bois, PA 15801
14377856	+KML Law Group, P.C., Suite 5000-BNY Independence Center, 701 Market Street, Philadelphia, PA 19106-1538
14377857	Lacey Renee Allen, 2910 Bay Road/16 Treasure Lake, Du Bois, PA 15801
15029417	+Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619094, Dallas, TX 75261-9094
14377858	+Pacific Union Financial, 1603 LBJ Freeway, Suite 500, Dallas, TX 75234-6071
14650979	+Pacific Union Financial, LLC, 1603 LBJ Freeway Suite 500, Farmers Branch, TX 75234-6071

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14681616	+E-mail/Text: g20956@att.com Sep 20 2019 02:32:08 AT&T Mobility II LLC, %AT&T SERVICES INC., KAREN A. CAVAGNARO LEAD PARALEGAL, ONE AT&T WAY, SUITE 3A104, BEDMINSTER, NJ. 07921-2693
14672906	+E-mail/Text: bankruptcydpt@mcmcg.com Sep 20 2019 02:31:43 MIDLAND FUNDING LLC, PO BOX 2011, WARREN, MI 48090-2011
14681458	E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 20 2019 02:43:55 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

TOTAL: 3

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr	Nationstar Mortgage LLC d/b/a Mr. Cooper
cr	Pacific Union Financial, LLC
cr	Pacific Union Financial, LLC

TOTALS: 3, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 21, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 19, 2019 at the address(es) listed below:

Celine P. DerKrikorian	on behalf of Creditor	Pacific Union Financial, LLC	ecfmail@mwc-law.com
James Warmbrodt	on behalf of Creditor	Nationstar Mortgage LLC d/b/a Mr. Cooper	bkgroup@kmlawgroup.com
James Warmbrodt	on behalf of Creditor	Pacific Union Financial, LLC	bkgroup@kmlawgroup.com
Kenneth P. Seitz	on behalf of Debtor Kyle L Johnston	thedebraters@aol.com	
Office of the United States Trustee	ustpreregion03.pi.ecf@usdoj.gov		
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com		

TOTAL: 6